



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

August 27, 2018

9:30

Calendar No. 18-168:

3865 Lakeside Avenue

Ward 3

Kerry McCormack

21 Notices

Frato, Inc.(AKA Lakeside Avenue Development Group II, LLC.), proposes to establish use as medical marijuana retail dispensary in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. 349.07(c)(3) The maximum width of driveway shall be thirty (30) feet measured at right angle to the angle of the driveway entrance. Such driveway shall have an apron radius at the curb of not less than six(6) feet or a curb cut on not more than sixty (60) feet and shall provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic. Proposed driveway is 50 feet wide, and requires backing off of property into right-of-way.
2. Parking is required at the rate of one per 500 square feet gross floor area. 10 parking spaces are required, 4 non-compliant parking spaces are provided. Board of Zoning variance/approval is required for proposed shared or leased parking under different ownership. (Filed July 24, 2018)

9:30

Calendar No. 18-169:

818 East 185 Street

Ward 8

Michael Polensek

19 Notices

Maverick Property LLC., proposes to add a patio to a business located in a C1 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.05(a) which states that a five (5) foot side yard is required.
2. Section 357.13(b) which states that a restaurant patio / seating area is not a permitted side street yard encroachment.(Filed July 24, 2018)

9:30

Calendar No. 18-170:

1930 W. 57 Street

Ward 15

Matt Zone

9 Notices

Armando & Carmen Idiaquez, owners, propose to build a, 1,152 square foot, 1 ½ story, 24' x 24' wood frame garage on a 6,975 square foot lot in a B1 Two-Family District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a)(6)(A) which states that in a Dwelling House District the floor area of a private garage, erected as an accessory building, shall not exceed six hundred fifty (650) square feet unless the lot area exceeds four thousand eight hundred (4,800) square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve

(12) square feet of additional lot area. In this case the maximum permitted square footage is 833.

2. Section 337.23(a) which states that an accessory building shall be located a minimum of 18" from all property lines and at least ten feet from any main building on an adjoining lot. The proposed garage is 10" to the property line and 4'-0" to a main building on adjoining lot. (Note: Distance measured from overhand, gutter board/gutter.)(Filed July 30, 2018)

9:30

Calendar No. 18-172:

4302 John Avenue

Ward 3

Kerry McCormack

13 Notices

Gazde LLC., owner, proposes to install a new 6 foot tall shadowbox wood fence in a B1 Two-Family Residential District. The owner appeals for relief from Section 358.04(a) of the Cleveland Codified Ordinances which states that a fence in the actual front yard and actual side street yard in a Residential District shall not exceed 4' in height, shall be ornamental and at least 50% open. A 6 foot tall shadow box fence is proposed in actual side street yard along W. 44 Street.(Filed July 30, 2018)

REHEARING

9:30

Calendar No. 18-118:

5512 Memphis Ave.

Ward 13

Kevin J. Kelley

18 Notices

Joey 39 L.T.D, owner, proposes to change use to retail bicycle sales (new and used) in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.05(a) which states that a 5' side street setback is required and parking is within side street setback.
2. Section 349.07(c)(2) which states that the driveway shall be located not less than 15' from property line; driveway is within 15' from property line.
3. 349.07(c)(3) The maximum width of driveway shall not be more than 30' and the proposed driveway is over 30' wide. (May 22, 2018/REHEARING APPROVED JULY 30, 2018) *THIS CASE WAS WITHDRAWN ON JUNE 11, 2018 DUE TO MISCOMMUNICATION WITH BUILDING AND HOUSING. A NEW NOTICE OF NONCONFORMANCE HAS BEEN ISSUED; NO OUTDOOR STORAGE IS PROPOSED.*

POSTPONED FROM JULY 23, 2018

9:30

Calendar No. 18-147

2240 East 89 St.

Ward 6

Blaine A. Griffin

28 Notices

Ruth Tate, owner, and North Shore Adult Care, lessee, proposes to establish use as a state licensed Residential Facility for fourteen residents in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that a "residential Facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision,

and personal care services to any of the following:: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.

2. Section 337.02(h) which states that a residential facility, as defined in Chapter 325 of this Zoning Code, for more than five residents, is not permitted in a Two-Family Residential District. Per section 337.08(g), the use is first permitted in a Multi-family Residential District only as a conditional use. The City Planning Commission shall approve a residential facility as a conditional use in a Multi-Family District only when the residential facility is located not less than one thousand (1,000) feet from another residential facility and only if the City Planning Commission determines that the conditional use meets the following zoning and architectural criteria: (1) the architectural design and site layout of the home and the location, nature and height of any walls, screens and fences are compatible with adjoining land uses and the residential character of the neighborhood, as may be specified in applicable Zoning code regulations for Multi- Family District; and 92) the use complies with all applicable yard, parking and sign regulations in this Zoning Code for Multi-Family Districts. Proposed use is within 1,000 feet of a residential facility at 2258 East 93 St., (Juniper Tree Adult Family Home). (Filed June 27, 2018-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF BOARD TO ALLOW TIME FOR THE APPELLANT TO CONTACT CITY PLANNING, COUNCILMAN AND THE CDC TO HOLD A PUBLIC MEETING.*

POSTPONED FROM JULY 30, 2018

9:30

Calendar No. 18-159:

4247 Lorain Ave.

Ward 3

Kerry McCormack

18 Notices

B.R. Knez proposes to construct a new mixed use building with 6 residential units, a commercial space and a 4 car parking garage on a City of Cleveland Land Bank lot in a D3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Sections 349.04(a)&(f) which states that 7 off-street parking spaces are required and 2 parking spaces are proposed.
2. Section 355.04 which states that the maximum gross floor area of building in a 'D' area district shall not exceed the total lot area; or in this case 3,217 square feet are permitted and 5,521 square feet are proposed. (Filed July 11, 2018-No Testimony)*FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILMAN TO ALLOW FOR TIME FOR A COMMUNITY MEETING TO BE HELD.*